

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1604-02  
Bill No.: Perfected HS for HB 470  
Subject: Crimes and Punishment; Drugs and Controlled Substances; Law Enforcement  
Officers and Agencies  
Type: Original  
Date: April 9, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **State Public Defender**, the **State Courts Administrator**, the **Office of Prosecution Services**, the **Department of Health and Senior Services**, and the **Department of Public Safety - Missouri State Highway Patrol** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Corrections (DOC)** state this proposal, if passed into law, requires the sale of defined methamphetamine precursor drugs as "behind-the-counter" sales. Penalty provisions for violations, the component of the proposal to have potential fiscal impact for DOC, is for a class A misdemeanor.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or

an annual cost of \$1,132 per offender).

ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business that sell methamphetamines would be required to modify their store layout to put these drugs behind the counter.

DESCRIPTION

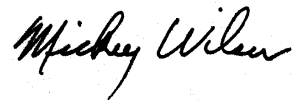
This proposal prohibits the sale of more than two packages of six grams of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. It also prohibits the sale of more than three packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, or phenylpropanolamine. These drugs must be kept behind the counter or within six feet of a register located on a checkout counter, unless the store utilizes an anti-theft system that specifically prevents the theft of these drugs. Violation of the bill is a class A misdemeanor.

This act supersedes all municipal ordinances that are more restrictive than this act.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This proposal does not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

SOURCES OF INFORMATION

Department of Public Safety -  
Missouri State Highway Patrol  
Department of Health and Senior Services  
Department of Corrections  
State Public Defender  
Office of Prosecution Services  
State Courts Administrator

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

MICKEY WILSON, CPA  
DIRECTOR  
APRIL 9, 2003